



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

September 21, 2009

Mr. Aaron Shepley
Mayor of Crystal Lake
P.O. Box 597
Crystal Lake, IL 60039-0597

Mr. Steve Rauch
Hey and Associates, Inc.
26575 West Commerce Drive
Suite 601
Volo, IL 60073

Re: Terra Cotta Road Retail Development, Crystal Lake
Endangered Species Consultation Program
Project Number(s): 1001770
County: McHenry

Dear Mr. Shepley and Mr. Rauch:

The Department received a submission via the Department's Ecological Compliance Assessment Tool (EcoCAT) website, submitted by Hey and Associates, Inc., on behalf of the City of Crystal Lake, regarding this project in Section 31, Township 44 North, Range 8 East for consultation in accordance with the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

The project involves the construction of a retail center with parking and stormwater management, preserved wetland, and wetland buffer. The Department has completed its review of the project and determined that the action is likely to have an adverse impact on the State-listed threatened **Blanding's Turtle**, *Emydoidea blandingi*, since there is a record very close to the parcel. Note - pending final approval, the status of Blanding's Turtles will be changed from threatened to endangered this fall.

To minimize these impacts, the Department recommends the following measures be implemented by the developer and incorporated in Crystal Lake's project authorization.

1. Educate and inform construction crews and all on-site personnel about Blanding's Turtles before work begins. Distribute photos (adult and juvenile) of the turtle and discuss the site management plan for responding to encounters in a training session and at the preconstruction site meeting. Staff from the Department's Regional office, or from the McHenry County Conservation District, would most likely be able to assist with this. If a turtle is encountered on site, inform crews to immediately stop construction in the surrounding area and contact the McHenry Country Conservation District, 815/653-2297, and the Department keeping in mind it is a criminal act to handle one. If a Blanding's Turtle is encountered, Incidental Take Authorization from the Department's Office of Resource Conservation will most likely be needed, which would result in a Conservation Management Plan for the species.

Personnel on site should watch the turtle until the proper authority arrives to alleviate the situation, keeping at a respectable distance. If the turtle moves, crews should mark the spot they first saw the turtle and the last spot it was seen.

2. The area may contain an unknown nesting site or the route to a nesting site. In this instance, transiting turtles are the main concern. Limiting construction to between October 15 and April 1, when this species is hibernating, may prevent construction activities from crushing or injuring juvenile or adult turtles.
3. If construction cannot be limited to the recommended time frame, exclusionary fencing should be installed and in place, from the end of March and remain until October, to prevent turtles from entering the construction areas. Daily inspections should occur for the first two weeks and then be maintained weekly throughout the construction period to ensure the exclusionary fencing has been properly installed (dug into the ground) and to check if any turtles are present on either side of the fence.
4. Trenches should be covered at the end of each work day. Before starting each work day, trenches and excavations should be routinely inspected to ensure no turtles (or other amphibians and reptiles) have become trapped within them.
5. Informational signs should be placed near the detention basin to educate employees and guests that Blanding's Turtles are in the vicinity. Signs could include the following information: these turtles are State-listed as threatened and why; a color photo of an adult and juvenile; Spanish and English text; wetland vs. upland habitat needs; nesting vs. hibernation needs and time frames; and what to do if one is seen and who to contact (MCCD, IDNR) - keeping in mind it is a criminal act to handle one.
6. Since this site is so close to turtle records, turtles could choose to wander onto the property and/or use the detention basin that will be created. In order to protect and enhance potential turtle habitat created from this development, the Department recommends that Best Management Practices be utilized, including the incorporation of a wet detention basin, native wetland buffers, limited mass grading, and native, non-invasive vegetative swales and plant species in landscaping. Assurances that the plants proposed for these measures will be able to handle the amount of anticipated runoff, and salt and pollutant loads, should also be provided.
7. Exclusionary curbing around entire parking lot areas should be incorporated into project plans to prevent any turtles from entering parking lots and being crushed by vehicles.

Consultation on the part of the Department is terminated. In accordance with 17 Ill. Adm. Code 1075.40(h), the City of Crystal Lake must notify the Department of its decision regarding these recommendations, whether they will:

- Allow the action to proceed as originally planned;
- Require the action to be modified per Department recommendations (please specify which measures if not all will be required); or
- Forgo the action.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resources review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected species are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Cordially,



Kathi Davis
Division of Ecosystems and Environment
Impact Assessment Section
Office of Realty & Environmental Planning
217-785-5500

enclosure

cc: Brad Semel, IDNR/Region II/Natural Heritage
Ray Eisbrener, IDNR/Region II/Wildlife
Steve Byers, Illinois Nature Preserves Commission
Elizabeth Kessler, McHenry County Conservation District
Sue Hayden, McHenry County Conservation District
Cindy Skrukud, McHenry County Defenders/1075.70
Lisa Haderlein, The Land Conservancy of McHenry County/1075.70